

Mansfield Autism Statewide Services

Freedom from Abuse and Neglect

Policy and Procedures

HS05	Healthy and Safe Services	Freedom from Abuse and Neglect Policy and Procedures
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What this policy aims to do	Affirm the rights of people with disability to live their lives free from neglect, abuse and exploitation. Assert our 'zero tolerance' position on neglect, abuse and exploitation and provide a basis for upholding the safety of clients, especially children.
Who this policy applies to	This policy applies to everyone associated with MASS – employees, contractors, volunteers and clients and their families/carers.
Who is responsible for carrying out this policy	Everyone is responsible for preventing abuse and neglect; the CEO and managers have additional responsibilities for implementing this policy.
What words used in this policy mean	<p>'Abuse' is the violation of an individual's human or civil rights, through actions of commission or omission, by another person or person(s)</p> <p>'Neglect' is the failure to provide the necessary care, aid or guidance to dependent adults or children by those responsible for their care</p> <p>'Exploitation' is the act of using a child or adult for profit, labour, sexual gratification, or some other personal or financial advantage</p>
Legislation this policy is based on	<p>National Disability Service Standards</p> <p>Victorian Disability Act 2006</p> <p>Children Youth and Families Act 2005</p> <p>Crimes Act 1958</p> <p>Victorian Child Safe Standards</p> <p>NDIS Practice Standards 2021, Core Module</p> <p>Victorian Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM Framework)</p>
Other relevant policies	<p>A1 Rights and Responsibilities</p> <p>MFE1 Emergency Management</p>

	HS12 Client Incident Reporting MS11 Whistle-blower Protection HS14 Child Safe MS1 Recruitment MS3 Staff Code of Conduct
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Version	Date	Author/Editor	Approved by	Notes
1.0	26/8/2016	Peter Lane		
1.1	31/5/2018	D Stephenson		Update format
1.2	7/3/2019	D Stephenson		Minor edits
1.3	17/6/2020	D Stephenson	S. Reeves	Added reference to Four Critical Actions brochure
1.4	18/2/2021	D Stephenson		Added reference to NDIS Practice Standards.
1.5	19/11/2021	P Wilks, T de Vries	S. Reeves	Add reference to MARAM, update to DFFH, updated Four Critical Actions
1.6	27/06/2023	P Wilks, T de Vries		Annual review, no changes

FREEDOM FROM ABUSE AND NEGLECT POLICY

MASS recognises the right of clients to feel safe and to live in an environment where they are protected from assault, neglect, exploitation, or any other form of abuse. MASS has a zero tolerance of abuse, neglect and exploitation of children and adults who use our services and is committed to implementing risk management strategies to ensure this does not occur.

Where abuse, harm or neglect has occurred, MASS will respond quickly, considerately, and effectively to protect our client from any further harm, ensuring they have access to any required counselling and medical and/or legal assistance.

Incidents which are criminal offences include assault, rape, attempted rape, unlawful imprisonment and any abuse or neglect of children. Any abuse or alleged abuse of a child will be immediately reported to the police, NDIS Quality and Safeguards Commission, and DFFH Child Protection. If it is found that a staff member has abused a client, the matter may warrant dismissal of the staff member by MASS as well as any action taken by the police.

MASS will also take disciplinary action against any staff member who fails to report or attempts to cover up any incidents of actual or potential abuse and neglect.

MASS will encourage and support any person who has witnessed abuse of a person we support or who suspects that abuse has occurred to make a report and be confident of doing so without fear of retribution or reprisal, including protection from defamation or other civil proceedings as a result of making the report, and protecting the identity of the person.

Family Violence

In Victoria "family violence" is a defined term under the Family Violence Protection Act 2008 (Vic). It is a criminal offence.

- Family violence is a behaviour that controls or dominates a family member and causes them to fear for their own or another person's safety or wellbeing. It may include physical violence or threat of violence, verbal abuse, emotional or psychological threats, sexual abuse, financial or social abuse.
- Family violence is a choice by a perpetrator to use behaviours for the purposes of power and control.
- Perpetrators use coercive tactics and violent controlling behaviour to gain power over one or more victim survivors.
- Responsibility for the use of violence rests solely with the perpetrator.
- Family violence is deeply gendered and rooted in structural inequalities. While both men and women can be perpetrators or victim survivors of family violence, overwhelmingly, perpetrators are men, who largely perpetrate violence against women (who are their current or former partner) and children.
- Family violence can occur in a range of ways across different relationship types and communities, including but not limited to:
 - Children and young people as victim survivors in their own right who have unique experiences, vulnerabilities and needs.

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- Older peoples' experiences of family violence, often described as elder abuse, from intimate partners, adult children or carers, or extended family members.
- The experiences of family violence may vary across communities and people from Aboriginal/diverse backgrounds may additionally experience structural inequalities.
- When dealing with children it is important to remember that "family violence" extends to behaviour that causes a child to hear, witness, or be exposed to the effects of "family violence". A child's exposure to family violence constitutes child abuse.

As family violence can result in one or more forms of child abuse (being sexual offences, physical violence, serious emotional or psychological harm or serious neglect) the physical and behavioural indicators of these types of abuse may also be indicative of a family violence situation.

Information sharing

MASS is an "Information Sharing Entity", which means we are required to share information about perpetrators (including alleged perpetrators), victim survivors and relevant third parties, as long as the information is relevant to assessing or managing risk of family violence, is not excluded information and the sharing of that information would not contravene another law.

The MARAM information sharing reform means MASS can share or seek information from other services regarding the safety and wellbeing of a child or family member.

There are specific request formats and record keeping which will be managed by MASS Family Violence Officer Patricia Wilks. Patricia is the key contact for any family violence related concerns any MASS staff may have, and information sharing requirements.

MASS will ensure staff is trained on:

1. 'Red flags' of family violence including early warning signs of family violence (see risk factors diagram below).
2. Referral pathways
3. Information sharing documents (with support from Patricia Wilks)
4. Commitment to Human Rights Charter prior to sharing any information.
5. Adhering to child's Best Interest Principals.

FREEDOM FROM ABUSE AND NEGLECT POLICY

<h2 style="margin: 0;">Four critical actions</h2> <p style="margin: 0;">Responding to incidents, disclosures or suspicions of child abuse or sexual offenses</p>										
Call 000	Call '000' if someone needs urgent medical attention or there is an immediate risk of harm.									
Is everyone safe?	Make sure you and the people around you are safe from harm.									
Tell someone	Tell a MASS Child Safety Officer about the incident. They will notify NDIS Quality and Safeguards Commission or Child Protection, if necessary.									
Ongoing support	MASS will support you and the client during and after the incident.									
<p>MASS Child Safety Officers</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Trish Wilks</td> <td style="width: 30%;">0428 784 600</td> <td style="width: 40%;">patriciaw@autismmansfield.org.au</td> </tr> <tr> <td>Mercia Nelson</td> <td>0447 312 106</td> <td>mercian@autismmansfield.org.au</td> </tr> <tr> <td>Katrine Zimmer</td> <td>5828 6480</td> <td>dookie@autismmansfield.org.au</td> </tr> </table>		Trish Wilks	0428 784 600	patriciaw@autismmansfield.org.au	Mercia Nelson	0447 312 106	mercian@autismmansfield.org.au	Katrine Zimmer	5828 6480	dookie@autismmansfield.org.au
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<p>Reporting to authorities Report all incidents, suspicions or disclosures as soon as possible.</p> <p>If the source of abuse is in the community, and a child is considered at risk of being harmed or in need of protection, report to:</p> <ul style="list-style-type: none"> MASS Child Safety Officer or the CEO who will report as needed to Child Protection and Victoria Police. <p>If the source of abuse is within MASS (a staff member, volunteer, contractor or another client):</p> <ul style="list-style-type: none"> notify MASS Child Safety Officer or CEO who will report it to Victoria Police and Commission for Children and Young People. 	<p>If you believe the child is not subject to abuse but you are still concerned for their wellbeing, you must still act. Talk to a MASS Child Safety Officer who will either:</p> <ul style="list-style-type: none"> refer to support services such as Child First or the Orange Door, or: seek advice from Child Protection or Victoria Police And seek to share any information with relevant services. <p>Contacting family, carer or guardian Do not contact the family yourself. The CEO will consult with Child Protection or Victoria Police to decide what information can be shared with the family and how.</p>									
<p>MASS will report all allegations of 'reportable conduct' to the NDIS Quality and Safeguards Commission, and notify the Commission for Children and Young People if necessary.</p>										

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DVRVCV FACTS ON FAMILY VIOLENCE 2021

Serious Risk Factors

<p>Adult or child victim-survivors experiencing the following may be at increased risk of being killed or almost killed.</p>	<p>Controlling behaviours</p> 	<p>Escalation in frequency or severity of violence</p>	<p>Planning to leave or recent separation</p> 
<p>Stalking</p> 	<p>Obsessive, jealous behaviour</p>	 <p>Threats to kill victim</p>	<p>Strangulation or attempts to strangle/choke</p>
 <p>Access to weapons, or recent use of weapons</p>	<p>Perpetrator threatens or attempts to self-harm or suicide</p>	 <p>Perpetrator drug or alcohol misuse</p>	<p>Sexual assault</p>
 <p>Harms or kills pets/animals, or threatens to</p>	<p>Perpetrator unemployed or disengaged from education</p>	 <p>Pregnancy/ new birth</p>	<p>Source: Family Safety Victoria (2018). <i>Family Violence Multi-Agency Risk Assessment and Management Framework</i>. Melbourne, Vic: State of Victoria.</p>

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